

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1549 – SB 1835

March 4, 2014

SUMMARY OF ORIGINAL BILL: Prohibits the federal government from imposing educational standards on the state. Any adoption of educational standards by the State Board of Education (SBE) shall be done freely by the SBE. States that the SBE may change, adjust, or recede from a standard at any time with certain restrictions. Requires any proposed change or addition to an education standard to be posted for public view on the SBE website 60 days before the SBE meeting where the proposed change will be discussed. Requires proposed changes to be voted upon at public meetings where there is a quorum. Prohibits educational standards from being adopted by the SBE after July 1, 2014, until the Education Committees of the General Assembly have conducted hearings. Requires data collected from the use of or testing under the educational standards adopted by the SBE to be used solely to track the academic progress of students. Prohibits certain personally identifiable information from being collected, tracked, housed with, reported to, or shared with the federal government. Prohibits student data from being collected in order to develop commercial products or services or for political use.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013491): Deletes all language of the original bill. Prohibits the federal government from imposing educational standards on the state. Any adoption of educational standards by the State Board of Education (SBE) shall be done freely by the SBE. States that the SBE may change, adjust, or recede from a standard at any time with certain restrictions. Requires any proposed change or addition to an education standard to be posted for public view on the SBE website and submitted to the Education Committees of the General Assembly at least 60 days before the SBE meeting where final adoption of the proposed change will take place. Requires proposed changes to be voted upon at public meetings where there is a quorum. Prohibits the SBE from joining a testing consortium that requires the adoption of common curriculum standards in social studies or science, unless the SBE provides 60 days notice to the Education Committees of the General Assembly and posts notice on its website before joining such consortium.

Enacts the Data Accessibility, Transparency, and Accountability Act, which requires the State Board of Education (SBE) to create and make public, a data inventory and dictionary of definitions currently used in the student data system for individual student data fields, including

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data required for reporting by state or federal education mandates. Requires the SBE to develop and make public policies and procedures to comply with the Federal Educational Rights and Privacy Act (FERPA), Tenn. Code Ann. § 10-7-504 and other privacy laws and policies. Privacy policies shall include the list of authorized parties that may access or request student data; require the Commissioner of Education to develop criteria for the approval of research and data requests from state and local agencies, the Tennessee General Assembly (TGA), researchers, and the public; prohibits the DOE from transferring student or de-identified data that is confidential to any federal, state, or local agency, or other out-of-state organization or entity without approval from the SBE, with certain exceptions; and a data security plan. Requires the Department of Education to provide notice of data releases to authorized staff of state agencies and parties conducting research to the Education Committees of the General Assembly within 60 days of the data's release. Requires the Governor and TGA to be notified, upon request, of new student data and the reason for such inclusion; changes to existing data collections; exceptions regarding the release or transfer of data; and the results of all privacy and security audits performed within the past year.

Requires DOE to develop a model student records policy for use by LEAs concerning the use and the security of student records. The model policy must be developed by DOE by December 31, 2014 and adopted by LEAs by the beginning of the 2015-16 academic year. Prohibits LEAs from collecting individual student data on political affiliation, religion, voting history; and firearm ownership.

Requires all state agencies and educational institutions to obtain written consent from parents or students, if the student is over the age of 18, before the collection of student biometric data; student data identifying students by certain traits; or data resulting from state or national assessments or surveys that measure attitudes or perceptions toward drugs, alcohol, or sex. Prohibits the acceptance or pursuit of grants from the federal government or outside entity that requires collecting or reporting of data in violation of the bill. Prohibits the adoption of any state or national assessment that requires collecting or reporting of data in violation of this bill. Any collection of student data in existence prior to July 1, 2014 shall not be a part of the requirements of the bill as amended.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The state will continue membership in consortiums to which the state is already a party.
- The number of changes to educational standards by the SBE will not be increased.

- Based on information received from the SBE, the board can perform all bill requirements in the normal course of business and within regularly-scheduled board meetings without a significant increase in state expenditures.
- Any increase in state expenditures to develop a model student records policy is estimated to be not significant.
- Any increase in state expenditures to obtain written consent from parents or students, where applicable, before the collection of certain student data is estimated to be not significant.
- Any increase in local government expenditures for training or materials as a result of changing educational standards is estimated to be not significant.
- Any increase in local government expenditures to provide copies of student records as appropriate and adopt student records policies is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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